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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,949	09/12/2003	Chih-Hao Lin	DEE-PT129	8371

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EXAMINER	
KENDALL, CHUCK O	

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/661,949	LIN, CHIH-HAO	
	Examiner	Art Unit	
	Chuck O. Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2003* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

1. This action is in response to application filed 09/12/03.

2. Claims 1 – 29 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 3, 7, 9 – 13, 15,16,20,22 – 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekine US 2004/0015941 A1.

Regarding claim 1, Sekine shows a method for displaying an information of updating a basic input output system (BIOS) of a computer system, wherein said computer system having a specific configuration is initialized by a computer program stored in a basic input output system (BIOS) memory, comprising:

(a) interrupting said computer program in response to a first triggered signal ([0048], see interrupt signal);

(b) loading an indexing data ([0047], see "The "Power-Off & Firmware-Updating" power management event includes, as a parameter, a *physical memory address*

indicative of the location of new firmware data in the main memory 13", same as *index data*).

(c) obtaining at least a file information of a basic input output system (BIOS) file and at least a directory information of a directory via an algorithm operation mathematical calculus according to said indexing data (FIG. 12, see S141 and all associated text);

(d) displaying said at least a file information and said at least a directory information ([0036], shows a display controller 14, which displays image data, drawn in VRAM);

(e) selecting a demanded basic input output system (BIOS) file from said at least a file information and said at least a directory information ([0018], see firmware updating request, also see FIG.7 and S131); and

(f) reprogramming said demanded basic input output system (BIOS) file into said basic input output system (BIOS) memory by means of executing a burn-in program ([0034], see rewriting firmware on BIOS-ROM18).

Regarding claim 2, the method according to claim 1, wherein said basic input output system (BIOS) memory is an electrically erasable programmable nonvolatile memory (EEPROM) [0040].

Regarding claim 3, the method according to claim 1, wherein said electrically erasable programmable nonvolatile memory (EEPROM) is a flash memory [0040].

Regarding claims 7 & 20, the method according to claim 1, wherein said indexing data is stored in a storage device ([0047], see a "*physical memory address indicative of the location* of new firmware data in the main memory 13", same as *index data*).

Regarding claims 9 & 22, the method according to claim 7, wherein said storage device is one selected from a group consisting of a floppy disk (FD), a hard disk (HD), a compact disk (CD), a ZIP disk, an LS-120 disk and a tape [0038].

Regarding claims 10 & 23, the method according to claim 7, wherein said algorithm operation is a relative operation of said storage device [0038].

Regarding claims 11 & 24, the method according to claim 1, wherein said burn-in program is stored in a storage device [0038, see CD-ROM, DVD drive].

Regarding claims 12 & 25, the method according to claim 1, wherein said step (d) further comprises steps of:

(d1) deleting an unused file of said storage device and storing another basic input output system file to said storage device in response to a second triggered signal [0034, see rewriting firmware, which would delete and overwrite the firmware]; and

(d2) redisplaying said at least a file information and said at least a directory information ([0036], shows a display controller 14, which displays image data, drawn in

VRAM).

Regarding claims 13 & 26, the method according to claim 1 further comprising a step of:

(g) rebooting said computer system and executing said reprogrammed computer program for initializing said computer system ([0040], see booting and rebooting).

Regarding claim 15, the method according to claim 1, wherein said first triggered signal is a data defined by said computer program stored in said basic input output system (BIOS) memory ([0034], see rewriting firmware on BIOS-ROM18).

Regarding claim 16, Sekin shows a method for updating a basic input output system (BIOS) of a computer system having a specific configuration and being initialized by a computer program stored in a basic input output system (BIOS) memory, comprising:

(a) interrupting said computer program in response to a first triggered signal ([0048], see interrupt signal);

(b) loading an indexing data ([0047], see "The "Power-Off & Firmware-Updating" power management event includes, as a parameter, a *physical memory address indicative of the location* of new firmware data in the main memory 13", same as *index data*).

(c) obtaining at least a file information of a basic input output system (BIOS) file and at least a directory information of a directory via an algorithm operation according to said indexing data (FIG. 12, see S141 and all associated text);

(d) displaying said at least a file information and said at least a directory information ([0036], shows a display controller 14, which displays image data, drawn in VRAM);

(e) deleting an unused file of said storage device and storing another basic input output system file to said storage device in response to a second triggered signal ([0034], see rewriting firmware, which would delete and overwrite the firmware);

(f) redisplaying said at least a file information and said at least a directory information ([0036], shows a display controller 14, which displays image data, drawn in VRAM);

(g) selecting a demanded basic input output system (BIOS) file from said at least a file information and said at least a directory information ([0018], see firmware updating request, also see FIG.7 and S131); and

(h) reprogramming said demanded basic input output system (BIOS) file into said basic input output system (BIOS) memory by means of executing a burn-in program ([0034], see rewriting firmware on BIOS-ROM18).

Regarding claim 25, the method according to claim 1 further comprising a step of: (i) rebooting said computer system and executing said reprogrammed computer program for initializing said computer system [0034, see rewriting firmware, which would

delete and overwrite the firmware].

Regarding claim 28, the method according to claim 16, wherein said first triggered signal is a data defined by said computer program stored in said basic input output system (BIOS) memory (BIOS-ROM18). .

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 4 – 6, 8, 17 – 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine US 2004/0015941 A1 as applied in claims 1 and 7, in view of Bi et al. USPN 6,279,153 B1.

Regarding claims 4 & 17, Sekine discloses all the claimed limitations as applied in claim 1 above. Sekine doesn't expressly disclose wherein said first triggered signal is produced by means of pushing a hot key. However, Bi in an analogous art and similar configuration discloses configurable macros setup as hot key buttons which detect whether there has been a pen down event (trigger) in the viewing area (51:55 – 52:15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sekine and Bi because, it would enable configuring macros to enable detection of events in the viewing area.

Regarding claims 5 & 18, Bi further discloses the method according to claim 1, wherein said hot key is disposed on a basic input output unit (Bi, 52:5 - 10, see keyboard).

Regarding claims 6 & 19, Bi further discloses the method according to claim 1, wherein said basic input output unit is a keyboard (Bi, 52:5 - 10, see keyboard).

Regarding claims 8 & 21, Sekine discloses all the claimed limitations as applied in claim 7 above. Sekine doesn't expressly disclose wherein said indexing data is one selected from a group consisting of a file allocation table (FAT), a root directory, a file description block and a relative index of a medium. However, Bi in an analogous art and similar configuration discloses identifying data or code portion including data image index which indicates the memory location of the data or code portion (66:1 – 10). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sekine and Bi because, it would enable providing index description information.

7. Claim 14,27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sekine US 2004/0015941 A1 as applied in claims 1, in view of Lo et al. USPN 6,711,736 B1.

Regarding claims 14 & 27, Sekine discloses all the claimed limitations as applied in claim 1 above. Although, Sekine doesn't explicitly disclose wherein said file information includes a file name, a file size and a stored date of said basic input output system (BIOS), he does disclose file file name and pass information regarding the BIOS file in [0059]. Lo in an analogous art and similar configuration discloses that in conventional DOS that BIOS version date can be obtained by reading the fixed BIOS memory (1:20 – 26). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sekine and Lo because, it would enable determining information about the BIOS before updating.

Regarding claim 29, the method according to claim 16, wherein said directory information includes a directory name and a created date thereof (1:20 – 26).

Correspondence information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

Chuck Kendall 6/26/06